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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,307	08/05/2003	Steven Bruce Michlin		7899

7590

03/01/2004

Steven Bruce Michlin  
6771 Cottonwood Knoll  
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EXAMINER
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CHEN, SOPHIA S

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,307

Applicant(s)

MICHLIN, STEVEN BRUCE

Examiner

Sophia S. Chen

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-25 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 32-39 is/are rejected.
- 7) ☒ Claim(s) 26-31 and 40-47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 45 (second occurrence) and 46 have been renumbered 46 and 47, respectively.

3. Claims 26-31 and 40-47 are objected to because of the following informalities:

- a. Claim 26, line 16, "portion and ;" should be "portion;".
- b. Claim 27, line 1, "in claim 27" should be "in claim 26" because the claim should not depend upon itself.
- c. Claim 40, line 15, "portion and ; and" should be "portion; and".
- d. Claim 44, line 17, "portion and ; and" should be "portion; and".

Appropriate correction is required.

***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-9 and 32-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 and 35-42 of U.S. Patent No. 6,321,048. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-9 and 32-39 of the current patent application are broader than claims 1-9 and 35-42 of U.S. Pat. No. 6,321,048. The only difference between the current Patent application and U.S. Pat. No. 6,321,048 is the Pat. No. 6,321,048 discloses one more limitation, a second portion has smaller diameter than the first portion (see claim 1, lines 8-9; claim 35, lines 9-10; and claim 39, lines 29-30 of U.S. Pat. No. 6,321,048). The rest of claim limitations of U.S. Pat. No. 6,321,048 is identical to the claim limitations of the current patent application.

***Allowable Subject Matter***

6. Claims 10-25 are allowed.

7. Claims 26-31 and 40-47 are allowable over the prior art; however, it is found to be objectionable for the reasons specified above.

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 10-31 and 40-47 are allowable over the prior art, claims 11-18, 20-27, 29-34, and 43-50 of U.S. Pat. No. 6,321,048, because claims 11-18, 20-27, 29-34, and 43-50 of the prior art do not disclose or suggest the second portion has a diameter smaller than the first portion.

***Other Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Michlin et al., U.S. Pat. No. 5,634,175, discloses an electrical connection device for use in an image forming apparatus comprising a cylindrical member being sized to fit snugly within a developing roller; a contact surface being formed on the interior surface of the cylindrical member; and the contact surface remaining in contact with and rubbing against a face of a washer in a printer electrical contact.

Roderick, U.S. Pat. No. 5,819,146, discloses an electrical connection device for use in an image forming apparatus comprising a coil spring; one end of the spring being inserted within a developing roller; and the other side of the spring being inserted within a conductive bearing member.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen  
Primary Examiner  
Art Unit 2852

Ssc  
February 9, 2004

45) A method as in claim 44 wherein said method involves a step wherein the first portion of the bias voltage contact press-fits into the developer roller.

46

5 ~~45~~) A method as in claim 44 wherein said method involves a step wherein a spring electrically connects the second portion of a bias voltage contact to the power supply of the improved image forming apparatus.

47

10 ~~46~~) A method as in claim 44 wherein said method involves a step wherein a spring electrically connects the second portion of the bias voltage contact to a contact ring in the endcap of a toner cartridge.

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Rule 1.126 (b) 2/9/04